

Notice of Allowability

Application No.

09/081,872

Examiner

Michael Pyzocha

Applicant(s)

MESSING, JOHN H.

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on May 26, 2004.
2. ☒ The allowed claim(s) is/are 130-132.
3. ☒ The drawings filed on 20 May 1998 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date attached.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Andrew Caldwell
Andrew Caldwell

Art Unit: 2142

EXAMINER'S AMENDMENT/COMMENT

AC

~~Interview Summary~~

The following summary of the prosecution history is necessary to ensure the record is clear.

On May 21, 2004, the Applicant faxed a first amendment after final (amendment H, paper no. 36) that was properly matched to file.

On May 26, 2004, the Applicant faxed a second amendment after final (Amendment I) that was received by the Office but never matched to the file.

On May 26, 2004, the Applicant mailed a notice of appeal and the appropriate fee. The fee was charged to the Applicant's credit card. The notice of appeal was never matched to the file. The notice of appeal was filed by certified mail, not express mail.

On August 9, 2004, Examiner Douglas Meislahn, mailed an advisory action (paper no. 37) denying entry to the first after final amendment.

In a telephone interview with the Applicant on August 19, 2004, Examiner Meislahn and the Applicant discovered that Amendment I and the notice of appeal had not been entered in the case despite the fact that the fee associated with notice of appeal had been charged. The Applicant faxed Examiner Meislahn a copy of the missing Amendment I. After considering the subject matter of Amendment I, Examiner Meislahn determined that Amendment I would not be entered because it did not place the application in condition for allowance. However, Examiner Meislahn indicated claims 127-129 of amendment I would be allowable if certain formalities were corrected and all other claims were cancelled. The formalities are addressed in the draft

Art Unit: 2142

1 Examiner's amendment attached to the interview summary attached to this notice of
2 allowability. Examiner Meislahn thought that a one month extension of time would be
3 required to make the Examiner's amendment. The Applicant was unable to submit the
4 appropriate papers before Examiner Meislahn tendered his resignation on August 20,
5 2004.

6 In a series of telephone calls on August 23-24, 2004, the Applicant discussed the
7 status of this application with Examiner Meislahn's supervisor, Andrew Caldwell.

8 On August 23, 2004, the Applicant faxed Examiner Caldwell a copy of the
9 missing Amendment I, a copy of the missing notice of appeal, and a request to enter the
10 copies along with supporting documentation showing receipt of the originals by the
11 PTO.

12 After reviewing the copy of the after final amendment (amendment I) filed on May
13 26, 2004, Examiner Caldwell determined that the amendment would not be entered
14 because the amendments to the claims would raise issues requiring further search and
15 consideration. The amendments to the claims have not been entered but the response
16 has been placed in the file.

17 After reviewing the copy of the notice of appeal, Examiner Caldwell determined
18 that the certificate of mailing on the copy of the notice of appeal was not signed. Since
19 the certificate of mailing was improper and the Applicant did not mail the papers using
20 express mail, the filing date of the notice of appeal is the actual date it was received by
21 the PTO. The notice of appeal was received by the PTO on June 3, 2004 as shown by
22 the mailroom stamp on the post card attached to the request to enter the copies of the

Art Unit: 2142

1 missing papers. The notice of appeal was not timely filed since it was filed more than
2 three months after the final Office action and did not include a request for a one month
3 extension of time.

4 As to the request to enter the copies, the Examiner's response to the request is
5 apparent from the remarks given above.

6 On August 24, 2004, Examiner Caldwell faxed the Applicant a draft examiner's
7 amendment generally corresponding to the one below and requested approval for its
8 entry. The draft amendment included new claims 130-132, which corresponded to
9 unentered claims 127-129 of Amendment I and included the changes suggested by
10 Examiner Meislahn.

11 In a telephone interview on August 25, 2004, Examiner Caldwell and the
12 Applicant agreed to additional modifications to the claims. In claim 130 step (b)(i),
13 which corresponds to step (b)(i) in claim 127 of amendment I, the last "a requestor" in
14 the step was changed to "the requestor." In claim 131, every occurrence of "message
15 digest or hash" was replaced with "message digest."

16 On August 25, 2004, the Applicant agreed to the examiner's amendment below
17 and faxed the Examiner the PTO-2038 Credit Card Payment Form attached to this
18 paper.

19 As of this date, the status of the various papers is as follows:

20 The copy of after final amendment I (filed on May 26, 2004) has not been
21 entered but is listed on the file wrapper as paper no. 38.

Art Unit: 2142

1 The copy of the notice of appeal (filed on May 26, 2004) has not been
2 entered but is listed on the file wrapper as paper no. 39.

3 The request to enter the copies along with supporting documentation
4 showing receipt of the originals by the PTO (faxed on August 23, 2004) has
5 been entered as paper no. 40.

6 As to the fee filed with the notice of appeal, the Examiner suggests that the
7 applicant petition for a refund of this fee after this notice of allowability has been mailed.

8
9
10 ~~EXAMINER'S AMENDMENT~~

(AC)

11 An extension of time under 37 CFR 1.136(a) is required in order to make an
12 examiner's amendment which places this application in condition for allowance. During
13 a telephone conversation conducted on August 25, 2004, John Messing requested an
14 extension of time for 3 MONTH(S) and faxed the Examiner the PTO-2038 Credit Card
15 Payment Form attached to this paper. The credit card payment form authorized the
16 required fee of \$475. Mr. Messing also authorized the following examiner's
17 amendment. Should the changes and/or additions be unacceptable to applicant, an
18 amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of
19 such an amendment, it MUST be submitted no later than the payment of the issue fee.

20 The amendments to the claims begin on the next page.

Art Unit: 2142

In the claims:

Claims 1-126 (Cancelled)

Claims 127-129 (Not entered)

130. (New) A method for signing and verifying electronic data by or on behalf of another at a server comprising:

- a. an authentication step of creating a collection of records about a plurality of individuals by entering into a data storage medium a collection of at least one of the following:
 - i. personal information about an individual,
 - ii. an indicator of the reliability of the identification of the individual who is the subject of a record,
 - iii. whether the authentication mode is universal or whether such individual must authenticate to the server computer in order to sign electronic data using the server, and
 - iv. an authentication credential or plurality of authentication credentials that the individual must present to the server in order to sign;
- b. an access control step of
 - i. receiving a request from a requestor to sign and, unless the authentication mode is universal, an authentication credential or a plurality of authentication credentials from the requestor, and
 - ii. comparing the authentication credential or credentials to the information contained in the collection of records to determine if the requestor is authorized to sign electronic data using the server;
- c. a presentation step of providing to the server an electronic data set for signature;

Art Unit: 2142

- d. a transaction identifier step of generating at the server a globally unique transaction identifier for the electronic data set that the requestor intends to sign, which includes as one input an identifier associated with an identity of the requestor;
- e. a signature step whereby the server encrypts, as the signature of a signer, each electronic data set with a unique encryption key generated from a symmetric cipher using the globally unique transaction identifier as character input for a password for generation of the key;
- f. a recording step in which the server generates and stores in a data storage medium a record of a signature transaction;
- g. a verification step whereby
 - i. an inquiring party seeking to validate a signature of electronic data transmits to a server electronic data that is believed to have been previously signed at a server;
 - ii. the server that receives the electronic data that is believed to have been previously signed at a server determines if a record or a plurality of records corresponding to the transmitted electronic data exists in the data storage medium of such records;
 - iii. the server retrieves a record or plurality of records corresponding to the electronic data which is presented for verification;
 - iv. with regard to each such record, the server performs a verification operation which includes a step of reconstructing a symmetric cipher from a record of input for a password of a key that was used to create an encryption key initially, including an identifier of the signer, and applying such symmetric cipher to decrypt the electronic data set;

- v. after decryption, the server reports to an inquiring party,
 - 1. whether the electronic data submitted for verification remains unmodified since a signature was affixed, and
 - 2. an identity of a signer of the electronic data.

131. (New) The method of claim 130 wherein the electronic data set which is symmetrically encrypted during signature and decrypted upon verification at a server consists of one of the following:

- a. a message digest of the electronic data;
- b. a crypto-transformation, created using a private key, of the message digest of the electronic data.

132. (New) The method of claim 130 wherein the electronic data submitted for signature consists of one of the following:

- a. form input of a signer;
- b. a combination of form input of a signer and standardized words, clauses, or phrases.

Art Unit: 2142

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Caldwell, whose telephone number is (703) 306-3036. The examiner can normally be reached on M-F from 9:00 a.m. to 5:30 p.m. EST.

Additionally, the fax numbers for Group 2100 are as follows:

Fax Responses: (703) 872-9306

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-9600.

A handwritten signature in black ink, appearing to read "Andrew Caldwell". The signature is fluid and cursive, with a large initial "A" and "C".

Andrew Caldwell
703-306-3036
September 19, 2005